

**Introduced by Senator Torlakson**February 13, 2004

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An act to amend Section 56375 of the Government Code, relating to annexation.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1266, as introduced, Torlakson. Annexation.

Under existing law, the local agency formation commission in each county has specified powers and duties concerning the review and approval and disapproval of proposals for changes of organization or reorganization of cities and districts within the county. However, a commission may not disapprove an annexation of contiguous territory to a city initiated by resolution of the city governing body if the commission finds that the territory meets any of a number of specified conditions. One of these conditions is that the territory is surrounded or substantially surrounded by the city or by the city and a county boundary or the Pacific Ocean, is substantially developed or developing, is not prime agricultural land, as defined, is designated for urban growth by the general plan of the city, and is not within the sphere of influence of another city.

This bill would revise that condition under which the commission may not disapprove the annexation to specify that: (1) not less than 51 percent of the exterior boundary of the territory to be annexed is surrounded by the annexing city, by that city and a county boundary or the Pacific Ocean, or that city and another city, (2) the territory is either developed or designated for urban growth by the general plan of the annexing city, (3) sewer service, structural fire protection service, streets and roads, and domestic water service will be available upon annexation, and (4) the territory does not exceed 1,000 acres.



Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56375 of the Government Code is  
2 amended to read:

3 56375. The commission shall have all of the following  
4 powers and duties subject to any limitations upon its jurisdiction  
5 set forth in this part:

6 (a) To review and approve or disapprove with or without  
7 amendment, wholly, partially, or conditionally, proposals for  
8 changes of organization or reorganization, consistent with written  
9 policies, procedures, and guidelines adopted by the commission.  
10 The commission may initiate proposals for (1) consolidation of  
11 districts, as defined in Section 56036, (2) dissolution, (3) merger,  
12 or (4) establishment of a subsidiary district, or a reorganization  
13 that includes any of these changes of organization. A commission  
14 shall have the authority to initiate only a (1) consolidation of  
15 districts, (2) dissolution, (3) merger, (4) establishment of a  
16 subsidiary district, or (5) a reorganization that includes any of  
17 these changes of organization, if that change of organization or  
18 reorganization is consistent with a recommendation or conclusion  
19 of a study prepared pursuant to Section 56378, 56425, or 56430  
20 and the commission makes the determinations specified in  
21 subdivision (b) of Section 56881. However, a commission shall  
22 not have the power to disapprove an annexation to a city, initiated  
23 by resolution, of contiguous territory that the commission finds is  
24 any of the following:

25 (1) ~~Surrounded or substantially~~ *The territory to be annexed*  
26 *meets all of the following criteria:*

27 (A) *Not less than 51 percent of the exterior boundary of the*  
28 *territory to be annexed is surrounded by the city to which the*  
29 *annexation is proposed or, by that city and a county boundary or*  
30 *the Pacific Ocean if the territory to be annexed is substantially*  
31 *developed or developing, is not prime agricultural land as defined*  
32 *in Section 56064, is, or that city and another city.*

33 (B) *Is substantially developed or is designated for urban*  
34 *growth by the general plan of the annexing city, and is city.*

1 (C) Sewer service, structural fire protection service, streets and  
2 roads, and domestic water service will be available to the territory  
3 upon annexation, from either the annexing city or special districts.

4 (D) Is not prime agricultural land, as defined by Section 56064.

5 (E) Does not exceed 1,000 acres.

6 (F) Is not within the sphere of influence of another city.

7 (2) ~~Located~~ The territory to be annexed is located within an  
8 urban service area that has been delineated and adopted by a  
9 commission, ~~which~~ is not prime agricultural land, as defined by  
10 Section 56064, and is designated for urban growth by the general  
11 plan of the annexing city.

12 (3) An annexation or reorganization of unincorporated islands  
13 meeting the requirements of Section 56375.3.

14 As a condition to the annexation of an area that is surrounded,  
15 or substantially surrounded, by the city to which the annexation is  
16 proposed, the commission may require, where consistent with the  
17 purposes of this division, that the annexation include the entire  
18 island of surrounded, or substantially surrounded, territory.

19 A commission shall not impose any conditions that would  
20 directly regulate land use density or intensity, property  
21 development, or subdivision requirements. When the  
22 development purposes are not made known to the annexing city,  
23 the annexation shall be reviewed on the basis of the adopted plans  
24 and policies of the annexing city or county. A commission shall  
25 require, as a condition to annexation, that a city prezone the  
26 territory to be annexed or present evidence satisfactory to the  
27 commission that the existing development entitlements on the  
28 territory are vested or are already at buildout, and are consistent  
29 with the city's general plan. However, the commission shall not  
30 specify how, or in what manner, the territory shall be prezoned.  
31 The decision of the commission with regard to a proposal to annex  
32 territory to a city shall be based upon the general plan and  
33 prezoning of the city.

34 (b) With regard to a proposal for annexation or detachment of  
35 territory to, or from, a city or district or with regard to a proposal  
36 for reorganization that includes annexation or detachment, to  
37 determine whether territory proposed for annexation or  
38 detachment, as described in its resolution approving the  
39 annexation, detachment, or reorganization, is inhabited or  
40 uninhabited.

1 (c) With regard to a proposal for consolidation of two or more  
2 cities or districts, to determine which city or district shall be the  
3 consolidated, successor city or district.

4 (d) To approve the annexation of unincorporated,  
5 noncontiguous territory, subject to the limitations of Section  
6 56742, located in the same county as that in which the city is  
7 located, and that is owned by a city and used for municipal  
8 purposes and to authorize the annexation of the territory without  
9 notice and hearing.

10 (e) To approve the annexation of unincorporated territory  
11 consistent with the planned and probable use of the property based  
12 upon the review of general plan and rezoning designations. No  
13 subsequent change may be made to the general plan for the  
14 annexed territory or zoning that is not in conformance to the  
15 rezoning designations for a period of two years after the  
16 completion of the annexation, unless the legislative body for the  
17 city makes a finding at a public hearing that a substantial change  
18 has occurred in circumstances that necessitate a departure from the  
19 rezoning in the application to the commission.

20 (f) With respect to the incorporation of a new city or the  
21 formation of a new special district, to determine the number of  
22 registered voters residing within the proposed city or special  
23 district or, for a landowner-voter special district, the number of  
24 owners of land and the assessed value of their land within the  
25 territory proposed to be included in the new special district. The  
26 number of registered voters shall be calculated as of the time of the  
27 last report of voter registration by the county elections official to  
28 the Secretary of State prior to the date the first signature was  
29 affixed to the petition. The executive officer shall notify the  
30 petitioners of the number of registered voters resulting from this  
31 calculation. The assessed value of the land within the territory  
32 proposed to be included in a new landowner-voter special district  
33 shall be calculated as shown on the last equalized assessment roll.

34 (g) To adopt written procedures for the evaluation of proposals,  
35 including written definitions not inconsistent with existing state  
36 law. The commission may adopt standards for any of the factors  
37 enumerated in Section 56668. Any standards adopted by the  
38 commission shall be written.

39 (h) To adopt standards and procedures for the evaluation of  
40 service plans submitted pursuant to Section 56653 and the

1 initiation of a change of organization or reorganization pursuant  
2 to subdivision (a).

3 (i) To make and enforce regulations for the orderly and fair  
4 conduct of hearings by the commission.

5 (j) To incur usual and necessary expenses for the  
6 accomplishment of its functions.

7 (k) To appoint and assign staff personnel and to employ or  
8 contract for professional or consulting services to carry out and  
9 effect the functions of the commission.

10 (l) To review the boundaries of the territory involved in any  
11 proposal with respect to the definiteness and certainty of those  
12 boundaries, the nonconformance of proposed boundaries with  
13 lines of assessment or ownership, and other similar matters  
14 affecting the proposed boundaries.

15 (m) To waive the restrictions of Section 56744 if it finds that  
16 the application of the restrictions would be detrimental to the  
17 orderly development of the community and that the area that  
18 would be enclosed by the annexation or incorporation is so located  
19 that it cannot reasonably be annexed to another city or  
20 incorporated as a new city.

21 (n) To waive the application of Section 25210.90 or Section  
22 22613 of the Streets and Highways Code if it finds the application  
23 would deprive an area of a service needed to ensure the health,  
24 safety, or welfare of the residents of the area and if it finds that the  
25 waiver would not affect the ability of a city to provide any service.  
26 However, within 60 days of the inclusion of the territory within the  
27 city, the legislative body may adopt a resolution nullifying the  
28 waiver.

29 (o) If the proposal includes the incorporation of a city, as  
30 defined in Section 56043, or the formation of a district, as defined  
31 in Section 2215 of the Revenue and Taxation Code, the  
32 commission shall determine the property tax revenue to be  
33 exchanged by the affected local agencies pursuant to Section  
34 56810.

35 (p) To authorize a city or district to provide new or extended  
36 services outside its jurisdictional boundaries pursuant to Section  
37 56133.

38 (q) To enter into an agreement with the commission for an  
39 adjoining county for the purpose of determining procedures for the  
40 consideration of proposals that may affect the adjoining county or

- 1 where the jurisdiction of an affected agency crosses the boundary
- 2 of the adjoining county.

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